

Appln. No. 10/600,289
Amendment
Reply to Office Action dated June 21, 2005

Docket No. 1610-97

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated June 21, 2005. This amendment is timely filed.

At the time of the Office Action, claims 1-8 were pending. In the Office Action, claims 1-8 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-8 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Rejections to the claims under 35 U.S.C. §112, second paragraph

Claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has duly amended the claims to overcome this rejection, withdrawal of which is respectfully requested.

II. Rejections to the claims based upon Art

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,172,113 to Featherstone et al. ("Featherstone") in view of U.S. Patent No. 6,022,209 to Kuo ("Kuo"). Claims 2-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Featherstone and Kuo, and further in view of U.S. Patent No. 6,632,080 to Kok et al. ("Kok"), further in view of U.S. Patent No. 5,057,259 to Parmelee ("Parmelee") and further in view of U.S. Patent No. 4,543,702 to Wada ("Wada"). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Featherstone, Kuo, Kok, Parmelee, Wada and further in view of U.S. Patent No. 4,082,491 to Clymer et al. and further in view of U.S. Patent Publication No. 2002/0160075 to Bazzo et al.

Applicant notes that Featherstone shows a machine for the production of cosmetic-filled containers without carousels. An endless conveyor chain 1 carries a series of lipstick containers 2 from a loading point 3 through a filling station 4 to a heating device 9. The containers are subsequently carried round through a cooling station 7 at which the lipstick material is cooled to

(WP258659;1)

Appln. No. 10/600,289
Amendment
Reply to Office Action dated June 21, 2005

Docket No. 1610-97

set it sufficiently hard for the containers to be removed at a discharging station 8 (Fig. 1). Featherstone doesn't show any carousels and the heating device 9 acts after the filling of molds 5 with molten lipstick material. Amended claim 2 is therefore novel over Featherstone.

Kuo shows a device for making lipstick including a mold piece having one or more cavities for receiving the lipstick materials. It is a simple device, and no machines are shown for a continuous production of lipstick. Amended claim 2 is therefore also novel over Kuo.

Kok discloses a device for the production of disposable lenses with three carousels. Lenses are very different from lipstick, and therefore the mold assembly 10 is not structurally suitable for cosmetic products. Amended claim 2 is therefore novel over Kok.

The additional prior art documents cited by the Examiner also do not clearly prejudice the novelty of the present invention. Amended claim 2 is therefore believed novel over all the other cited documents.

Turning now to the obviousness rejections, the machine defined in claim 2 can carry out in a fast sequence all the stages of a process for the manufacture of lipstick or similar, starting from the pouring of the molten product and ending with the positioning of the solidified cosmetic product inside its case, in accordance with the problem set out in the application.

This result is obtained by means of a first and second carousel provided with zones as claimed. In the exemplary embodiment, the first carousel 1 is provided with housings 8 for flexible molds 14 fillable with molten cosmetic product, and a second carousel 2 with housings 22 for cases 45 for the collection of solidified cosmetic product 44. The first carousel 1 comprises a sequence of zones: a zone 17 for the introduction of warm air into said flexible molds 14 for heating the same, a zone 18 for pouring molten cosmetic product into said flexible molds 14, a cooling zone 19 where the cold cosmetic product is extracted inserting cases 45 into said flexible molds 14 and around the cosmetic product 44. The second carousel 2 comprises a zone 23 for grasping and transfer said cases 45 and a zone 24 for the completion of the insertion of the cosmetic products (44) inside said cases (45).

Starting from Featherstone and faced with the problem of a faster production of lipsticks or the like, the skilled person would not look at said patent because if he wants to improve the production of lipsticks he must improve the dimension of the machine that usually is limited due to

{WP258659;1}

Appln. No. 10/600,289
Amendment
Reply to Office Action dated June 21, 2005

Docket No. 1610-97

the size of the building in which it is located. Kuo does not teach or suggest a solution of the problem because it shows a simple device, and does not include any machines for a continuous production of lipsticks. Even if the skilled person were to consider Kok due to the presence of carousels, he would not arrive at the claimed subject matter because Kok's device is for lens and its mold assemblies 10 for obtaining said lens are not absolutely suitable for obtaining lipsticks. A person having ordinary skill in the art could assemble a device like the one shown in Kuo, but Kuo's device comprises actuators 80 for expanding the mold piece and disengaging the pattern of the mold piece from the lipstick material, which means too many actuators along the carousels.

The carousels defined in the present claims include special housings 8 for flexible molds 14 which allow a surprising easiness in the extraction of lipsticks. Further, Featherstone doesn't teach to heat the mould before the pouring of the molten cosmetic product that is very important in order to avoid the formation of hard surfaces of the cosmetic product during pouring and before progressive cooling of the cosmetic product in the cooling zone 19. The heating zone 17 allows the introduction of warm air into the flexible molds, so it is a local heating different from the heating systems disclosed in the prior art documents.

A further technical effect of the flexible molds (the first is the progressive cooling of the cosmetic material) is the unexpected possibility of extracting the solid cosmetic material using the cases directly and not a mechanical hand of a robot such as that taught in Wada. The flexible molds allows the insertion of the cases into the flexible molds.

The use of the flexible molds gives a surprising effect to the skilled person only according to a sequence of operation disclosed in amended claim 2. The invention defined in claim 2 is therefore not obvious over the prior art documents, either taken alone or in combination, and claim 1 is believed to be in condition for allowance. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

II. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants

(WP258659;1)

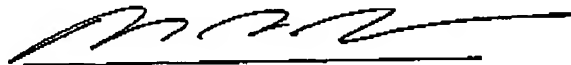
Appln. No. 10/600,289
Amendment
Reply to Office Action dated June 21, 2005

Docket No. 1610-97

invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: 9-21-05



Mark D. Passler
Registration No. 40,764
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

Docket No. 1610-97